

COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

ZONING ADMINISTRATION REFERRAL

DATE: May 21, 2007

TO: John Merrithew, Assistant Planning Director

THROUGH: Marilee L. Seigfried, Deputy Zoning Administrator

FROM: Michelle Lohr, Planner, Zoning Administration

CASE NUMBER AND NAME: ZMAP 2006-0016, Kincora

TAX MAP/ PARCEL NUMBER (MCPI): 80/27 Parcels 1 and 2 and 80/1 Residue Parcel 3 (042-29-6582, 042-49-0209, 041-29-8238)

Staff has reviewed the referenced **rezoning** (ZMAP) application to include the materials identified on the transmittal sheets dated January 10, 2007 and April 30, 2007. The property is zoned Planned Development-Industrial Park (PD-IP) under the 1972 Loudoun County Zoning Ordinance. All section numbers cited herein refer to the Revised 1993 Zoning Ordinance, unless otherwise noted.

I. APPLICATION SUMMARY

The applicant, NA Dulles Real Estate Investor, LLC of East Setauket, New York ("the Applicant"), seeks approval to rezone the above referenced property, consisting of approximately 424.30 acres. Approximately 357.56 acres is proposed to be rezoned to PD-OP (Planned Development – Office Park) with 167.50 acres of that area in the Floodplain Overlay District (FOD). 77.74 [66.74] acres is proposed to be zoned Planned Development – Town Center, consisting of 20 acres within the Town Center Core and 46.74 acres in the Town Center Fringe. This property is proposed to be administered under the PD-OP and PD-TC district requirements of the Revised 1993 Loudoun County Zoning Ordinance and all section numbers referenced below refer to the Revised 1993 Zoning Ordinance.

II. CRITICAL ISSUES

The following critical issues have been identified and must be addressed in order for the application to be in conformance with requirements of the Zoning Ordinance:

- A. The CDP indicates that a portion of Land Bay N, to be rezoned to PD-OP, is proposed to be developed with structures in the proposed reclaimed floodplain area between the southbound Route 28 off-ramp to Gloucester Parkway (north) and Pacific Boulevard. Section 4-1505(A)(10), Floodplain Overlay District, states that alterations of the floodplain are permitted in association with any *permitted or special exception uses* permitted within the FOD. The construction of a road is neither a permitted nor a special exception use within the FOD (only a road *crossing*

is). As Gloucester Parkway and Pacific Boulevard are proposed to be dedicated to VDOT and built to VDOT standards, the land may only be used for a road as the Virginia Department of Transportation is exempt from County regulations. However, the area that may be altered for a proposed road may not exceed that which is necessary to accommodate the road and associated grading. Although Section 5-1505(A)(10) states "any areas no longer within the floodplain may be used for any use in the underlying district," as the only reason for the alteration is for a road that is not a permitted use in the FOD, uses within the underlying zoning district are not permitted. Thus, the CDP must be revised to remove the proposed uses from within areas designated as FOD.

The Applicant is not seeking current approval of uses in these areas. The Applicant simply is reserving the right in the future, to use these areas, if the floodplain changes as expected, without having to amend the proffers or Concept Plan to do so. Notes have been added to clarify the Applicant's intent. A note within the northeast quadrant of the intersection between Pacific Boulevard and Gloucester Parkway explains that the line represents the major floodplain boundary as it currently exists, but references the fact that the boundary may change with construction of the interchange by VDOT. A new Note #28 has been added to the Cover Sheet which explains that if the construction of this interchange results in a change in the floodplain elevation such that this area is no longer within the major floodplain, the Applicant reserves the right, upon obtaining appropriate confirmation and/or approval by the County, to use this area for PD-OP uses.

- B. No uses, other than those listed as permitted in Section 5-1505 (A) are permitted in the FOD. All uses throughout the site indicated as being located within the FOD, that are not permitted either by right or by special exception, must be removed from the CDP.

The PD-OP uses shown in the northeast quadrant of the Pacific Boulevard/Gloucester Parkway interchange are explained above. Road crossings are permitted by 4-1505(12). The Applicant has added a note that the crossings shown on the Concept Plan (Roads 7 and 11) will not result in an off-site increase in water surface elevation to confirm that subparagraphs (a) through (g) do not apply. The Applicant also has added a note to explain that the portion of the stormwater management facility shown in FOD will not be permitted unless it is exempt as part of a VDOT project.

- C. The applicant has requested 13 modifications to the PD-TC district requirements. The large number of modifications is an indication that the property is not well suited for the PD-TC district.

The Applicant is relying on the PD-TC District because no zoning district is available in the Zoning Ordinance that would permit a development such as Kincora at this location. The number of requested modifications is comparable to the number requested for other approved, mixed-use applications. The Applicant's requested modifications are not uncharacteristic for mixed-use developments. These requested modifications will accomplish the keynote objectives of the Revised General Plan and will not defeat the intent of the PD-TC District.

- D. Modification N. to Section 4-807(B). Land Assembly Requirements is to modify the maximum distance from one boundary of the Town Center Core to the farthest boundary to 1,660 feet. Staff scales the actual distance at 2,200 feet. Please verify distance and modify request as necessary.

The requested and advertised modification of Sect. 4-807(B) is to permit an increase in this distance from 1200 feet to 2250 feet.

- E. Section 5-1508, Steep Slope Standards. Development in areas of Steep Slopes must comply with Section 5-1508(F). Staff cannot support disturbance of Very Steep Slopes when other alternatives for roadway alignments exist and Section 5-1508(D)(1)(c) does not include uses proposed in the illustrative sheets of the CDP.

The construction of a stormwater management facility on the Property by VDOT in association with the construction of Pacific Boulevard will alter the physical configuration of the areas classified as Very Steep Slopes. If these areas are altered by VDOT and no longer meet the criteria for Very Steep Slopes, these areas will be appropriate for the encroachments shown on the Concept Plan. In order to preserve the Applicant's right to make the encroachments into the Very Steep Slope areas as shown on the Concept Plan, the Applicant has requested a modification of Sect. 5-1508(F). The Applicant reiterates that most of these slope areas are drainage swales from runoff coming from the east. The encroachments into these areas shown on the Concept Plan will provide stormwater management and BMP improvements that will benefit the environment compared to the existing uncontrolled drainage. Furthermore, these encroachments will comply with applicable erosion and sedimentation requirements and will not create or perpetuate unstable or erodable soils areas.

- F. A minimum of (25%), maximum of fifty (50%) of the total land area within the Town Center shall be residential use. The Table on Sheet 13, the Concept Plan Tabulation Sheet, indicates a total land area of 59% of the land in the PD-TC district to be dedicated to residential use. This does not conform to the Zoning Ordinance.

The Table on Sheet 13 has been corrected to indicate that residential uses will comprise 38% of the land area within the proposed PD-TC District.

- G. Section 5-600 Additional Regulations for Hotel use, Section 5-611. If a hotel use is located within either the Town Center Core or Town Center Fringe, it is subject to the Additional Regulations of Section 5-611. One of these requirements is a 100 foot landscaped buffer separation from agricultural, residential, or institutional uses. If residential uses are proposed within 100 feet of the hotel. Please note that Section 5-611 requires up to a 100 foot landscape buffer between the hotel/motel use and residential and institutional uses. If necessary, this requirement can be modified by minor special exception.

As indicated on the Concept Plan, residential uses are not proposed within 100 feet of any hotel. In association with the site plan submissions for hotels, the Applicant will either

ensure that a 100 foot landscape buffer will be provided between such hotels and residential uses or will apply for a modification of Sect. 5-611.

H. *Modification Requests.* The following modification requests must be revised:

- (1) **Section 4-1505(A)(4). Floodplain Overlay District, Permitted Uses.** Modify to allow a stormwater management facility, located within Land Bays L and O, installed by VDOT, to be used as a permanent wet pond that will serve the dual purpose of a stormwater management facility and an attractive amenity.

Staff Comment: The stormwater management facility is only feasible if it is to be constructed by VDOT and is necessary for the construction of Pacific Boulevard, as VDOT is not required to meet county regulations. Section 6-1504 Modifications states "No modifications shall be permitted which affect uses, density, or floor area ratio of the district." As the proposed modification affects a use, a modification can not be granted. The proposed stormwater management facility may only be permitted in association with uses permitted by right or special exception in the FOD and no others.

The Applicant has added a note to the Concept Plan confirming that if construction of the stormwater management facility is not exempt from FOD, then the portion of the facility within the FOD will not be constructed by the Applicant.

- (2) **Section 5-1505(A)(5). Floodplain Overlay District, Permitted Uses.** Modify to allow private roads 7 and 11 to be partially located within the 100-year floodplain.

Staff Comment: The correct ordinance section to request a modification to is Section 4-1505(A)(12) not 4-1505(A)(5).

Road crossings are permitted in the FOD pursuant to 4-1505(A)(12). The Applicant has added a note to the Concept Plan confirming that the crossings for private roads 7 and 11 will not result in an off-site increase in the water surface elevation of the base flood as shown on the Floodplain Map of Loudoun County. Therefore, subparagraphs (a) through (g) of 4-1505(A)(12) do not apply. With these clarifications, the Applicant hereby withdraws the requested modification of 4-1505(A)(5).

- (3) **Section 5-1508(D)(1)(b). Steep Slope Standards, Permitted Uses and Activities.** Modify to allow certain land disturbing activities of Very Steep Slopes to construct Pacific Boulevard and associated stormwater management facilities, as well as certain roads, buildings and structures as shown on the Concept Plan. The owner will be impacting certain very steep slopes that are either isolated slopes or existing drainage conveyance systems for surface runoff from nearby roads.

Staff Comment: The ordinance permits only a limited number of uses within areas of Very Steep Slopes. Staff cannot support disturbance of Very Steep Slopes when other alternatives for roadway alignments exist and Section 5-1508(D)(1)(c) does not include uses proposed in the illustrative sheets of the CDP. Further, Section 6-1504 Modifications states "No modifications shall be permitted which affect uses, density, or floor area ratio of the district." As the proposed modification affects a use, a modification can not be granted.

Section 5-1508(D)(1)(b) establishes performance standards for Very Steep Slope areas, much like the Scenic Creek Valley Buffer in Section 5-1000. It is not an overlay district. Like the Scenic Creek Valley standards, the standards for Very Steep Slopes may be modified. The Applicant has requested modifications of the standards to allow the encroachments into Very Steep Slope areas shown on the Concept Plan. Given (i) that the affected Very Steep Slope areas are essentially drainage swales from stormwater runoff from the east, and (ii) the significant environmental enhancements provided with Kincora, specifically to address stormwater quality and quantity management, such as SWM/BMP facilities and wetlands mitigation banking, the objectives of the standards applicable to affected Very Steep Slopes areas will be met or exceeded for these specific areas and for the project as a whole.

III. OTHER ISSUES

The issues stated by staff in this section primarily refer to comments by other Loudoun County agencies, which the Applicant has addressed with revisions to the Concept Plan and proffers.

A. CONFORMANCE WITH SECTION 6-1200

1. **Section 6-1211(E)(2)** - *Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate. Zoning defers to comprehensive planning regarding this issue.*

N/A - addressed with community planning.

2. **Section 6-1211(E)(6)** - *The effect of uses allowed by the proposed rezoning on the structural capacity of the soils. According to County Records, hydric soils are present in the rezoning area and the applicant has identified wetland areas. These hydric soils have a very poor potential for general development of central water and sewer. Development of the site should consider these areas with respect to grading and the construction of buildings and infrastructure.*

All applicable laws and regulations will be met with respect to wetlands, hydric soils,

and soils and geology generally.

3. **Section 6-1211(E)(7)** - *The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas. Zoning defers to the Office of Transportation Services regarding this issue.*

N/A - Addressed with Office of Transportation Services.

4. **Section 6-1211(E)(8)** - *Whether a reasonably viable economic use of the subject property exists under the current zoning. The current zoning is PD-IP, administered under the 1972 Loudoun County Zoning Ordinance. This district permits a variety of uses. As such, a reasonably viable economic use of the subject property exists under the current zoning.*

The Property is zoned PD-IP and a portion of the Property was approved for office use by a special exception, which has expired due to a lack of interested tenants. The site is strategically located at the intersection of Route 28 and Route 7. It is well suited for keynote employment, Class A office uses, as recommended in the Revised General Plan. However, the market for Class A office uses demands mixed-use amenities -- retail and residential uses -- to support the office. Considering the vacant status of the Property and the lack of interested tenants in a 100% office use of the Property, the Applicant believes the Property does not currently have a viable economic use under the current PD-IP zoning.

5. **Section 6-1211(E)(9)** - *The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality. As previously noted, the applicant has identified wetland areas within the rezoning area. Where these areas are impacted, the applicant must comply with the requirements of the U.S. Army Corps of Engineers. In addition, development shall comply with the standards of Section 4-1500, Floodplain Overlay District (FOD) of the 1993 Loudoun County Zoning Ordinance (unrevised) with respect to the 100-year floodplain. Staff defers to the Environmental Review Team for further comment on the impact to environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality. As stated in the critical issues section of this referral, Section II, the Concept Development Plan must be revised to remove proposed uses from areas designated as within the Floodplain Overlay District.*

N/A - Addressed with ERT. Floodplain issues addressed in responses to critical issues section.

6. **Section 6-1211(E)(10)** - *Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and*

provides desirable employment and enlarges the tax base. The applicant proposes a total of 4.96 million square feet of office and commercial uses. Staff questions whether the applicant has completed a feasibility study that demonstrates a need for this amount of non-residential development. The phasing plan on Sheet 13 allows for 700 residential units (50% of all residential units) to be developed in the first phase, whereas only 700,000 square feet of non-residential use, only 14% of the total non-residential square footage is proposed in Phase I. At Phase 2, 72% of the total residential units can be achieved with only 34% of the non-residential square footage. 3.26 million square feet of non-residential uses may never be realized if the development does not proceed to Phase III. The applicant needs to provide a balanced phasing plan at each phase that will increase the potential for a positive fiscal outcome. Staff defers to Economic Development and Community Planning for further comment.

N/A - Addressed with Economic Development and Community Planning.

B. CONFORMANCE WITH SECTION 4-800 PD-TC

1. **Modifications.** Modifications to the following sections have been requested and are discussed elsewhere in this referral: Section 4-802 Size, Location and Components, Sections 4-805(D)(1), (2), (3), (E)(2), (3), (F)(1), (F)(3), 4-806(B), 4-807(B), (C), 4-808(B), 4-808(L).
2. **Section 4-801, Purpose.** The location of a PD-TC district shall be consistent with the Comprehensive Plan and shall achieve specific objectives. The applicant needs to address the following:
 - (A) *Dwellings, shops, and workplaces generally located in close proximity to each other.* The residential areas are not generally located in close proximity to each other. Landbays C, E2, A, and B are isolated.

The Concept Plan for Kincora has been designed to integrate the residential, office, retail and civic uses in a manner that is not currently permitted within any one Zoning District. These uses are located within close proximity to each other and will be connected by pedestrian walkways and plazas that create a sense of place and a level of synergy envisioned by the Applicant.

- (E) *Civic buildings for assembly, or for other civic purposes, that act as landmarks, symbols, and activity centers for community identity.* The development plans should indicate the location of civic uses and structures. Such uses should be located in prominent locations.

The Concept Plan and proffers provide a commitment to minimum amounts of civic space that meet the requirement of the 1993 Zoning Ordinance and the recommendations of the Revised General Plan. Civic space locations are depicted on the Concept Plan to demonstrate how these minimum standards can be met (See Sheets 23-33). The Applicant reserves the right to credit certain uses if constructed, such as the performing arts center as civic space.

3. **Section 4-802(A).** The Town Center Core shall generally be located within or near the geographic center of the development. In this case, the Town Center Core is not centrally located as the fringe area surrounding the core appears to consist only of parking areas in the eastern part of the site with the Town Center Fringe uses and a major focal point located to the west. Further, extensions of the district that contain residential uses are isolated from both the Town Center Core and Town Center Fringe.

The Concept Plan proposes a streetscape concept that provides pedestrian connections throughout the interior of the Kincora village center, which will provide strong connections between the land bays, thereby integrating the uses into one cohesive community.

4. **Section 4-803, Permitted Uses.** A feature in Land Bay L appears to be an amphitheater. Please note that an amphitheater is not a permitted or special

exception use in the PD-TC district, unless associated with a park.

This feature is not an amphitheater. Rather, it is an outdoor focal point/gathering area highlighted by the water feature. The Concept Plan has been revised to eliminate the lines that suggest the feature as an amphitheater.

5. **Section 4-805(F)(3). Other Yard Requirements. Adjacent to Other Nonresidential Districts.** The applicant is requesting to modify this section to permit no yard for buildings, parking, outdoor storage, and loading areas when sited adjacent to other nonresidential district.

This modification is requested to permit multiple types of uses to be provided on the same block so as to permit an integration of uses.

6. **Section 4-808, Land use Arrangement and Use Limitations.**

- (A) *The Town Center shall be arranged in a generally rectilinear pattern of interconnecting streets and blocks, while maintaining respect for the natural landscape.* Although depicted as generally rectilinear on the Illustrative Layout Plans on sheets 29 and 30, (sheets that are not proffered for substantial conformance), the Concept Plan, Sheets 8-12, does not depict a rectilinear pattern of streets in the proposed Town Center.

The Concept Plan depicts perimeter streets that are rectilinear in nature, providing distinct land bays. Further, alleys will be provided to permit access to the interiors of each land bay. A Note has been added to the Cover Sheet and a proffer has been provided that commits the Applicant to provide alleys granting access to the interiors of each land bay. Alleys will be depicted on individual site plans.

- (C) *Each block in the Town Center should be designed to include an alley.* The CDP does not demonstrate compliance with this requirement. An alley should be provided for each block in the Core and Fringe. Address alleys with the CDP.
- (D) *Each Town Center shall have a town green of no less than 40,000 sq. ft. located near the center of the Core. The required town green may be located within the Fringe and adjacent to the Core if a public plaza of no less than 10,000 sq. ft. is located within the Core.* Three town greens are indicated on the Illustrative Layout Plan on Sheet 30. The zoning ordinance requires at least one town green to be a minimum of 40,000 sq. ft. in size to be located near the center of the Core. The large green shown is located in the fringe, but it is neither located near the center of the Core nor is it adjacent to the core. Further, the zoning ordinance states that the green may be located in the fringe, if it is adjacent to the core and if a public plaza is located in the core. If either of the greens indicated within the core become a plaza of at least 10,000 sq. ft. and the town green shown in the fringe is increased to 40,000 sq. ft. and moved to be adjacent to the core, this zoning ordinance requirement can be met. Please revise the Illustrative Layout Plan

accordingly.

The Concept Plan has been revised to include a 40,000 square foot Town Green located within the PD-TC Fringe. This Town Green will be located adjacent to the PD-TC Core, which will include a 10,000 square foot (minimum) plaza. The Town Green will provide an additional point of entry to the water feature, which will create an attractive pedestrian experience and gathering place between the water feature and the proposed performing arts center.

- (E) *At least seventy (70) percent of the total of all block frontages within the Town Center Core shall be occupied by pedestrian oriented businesses on the ground floor, preferably retail stores and shops. Staff questions whether the applicant has met this standard, given the lack of detail on the CDP or illustratives. This requirement will be verified at the time of site plan review.*

A proffer has been provided that commits to providing a running tabulation on each site plan submission that verifies that 70% of the total of all block frontages within the PD-TC Core will be occupied by ground floor pedestrian oriented businesses.

- (H) *At least (10%) of all land within the Town Center shall be for civic uses, such as government offices, public meeting halls, libraries, art galleries or museums, post office, churches, and like uses which generate pedestrian activity and act as visual focal points. The 10% requirement is based on land area. Although addressed on Sheet 22, include such tabulation within the table on Sheet 13 of the CDP. Provide a calculation demonstrating compliance with this Section at each phase and address how such uses will act as focal points for the district.*

The civic space tabulation is provided on Sheet 14 of the Concept Plan.

- (I) *Generally on-street parking shall be provided throughout the Town Center. The applicant may need to modify certain provisions of the Facilities Standards Manual (FSM) to ensure that angled and parallel parking can be provided on streets in the Town Center.*

The Applicant acknowledges that FSM Sect. 4.400(B)(6)(b) prohibits angled parking on private streets that exceed 1500 vehicles per day. The Concept Plan has been revised to convert the referenced angled parking spaces to parallel parking spaces. If deemed necessary at the time of site plan review, a modification of this section will be requested if angled parking is desired. Also, a note has been added to the Cover Sheet addressing this issue.

- (J) *Pedestrian linkages shall be established within and between blocks in the Town Center and between the Town Center and surrounding neighborhoods or activity center. It is recommended that the Traffic and Pedestrian Circulation Plan on Sheet 16 of the CDP be revised to include a linkage from the proposed residential area of Land Bay A to the bike path to the north. It is noted that the Illustrative Land Use Map on Sheet 24 indicates such a*

connection.

Sheet 16 has been revised accordingly to depict this pedestrian link.

- (K) *Sidewalks shall be provided adjacent to all streets. Such sidewalks shall be at least eight (8) feet wide within the Town Center Core and at least five (5) feet wide within the Town Center Fringe. Sidewalks shall be provided in accordance with this Section. Sheets 17 and 19 of the CDP indicate differing widths and Proffer IV.B.1. do not match this requirement.*

The streetscape sections shown on Sheets 17 and 19 include pedestrian areas that meet or exceed eight (8) feet in the PD-TC Core and five (5) feet within the PD-TC Fringe. The streetscape sections have been revised on the Concept Plan to clarify these minimum widths.

- (L) *All off-street parking lots shall be landscaped and shall not interfere with the reasonable continuity of building facades and pedestrian activity. Within the Town Center Core, no surface parking lot space may be located closer than ten (10) feet from any street right-of-way line. Within the Town Center Fringe, no surface parking or space may be located closer than twenty five (25) feet from any street right-of-way line and district allowing residential uses. The applicant has requested a modification to permit surface parking lots in both the Core and Fringe to be located eight (8) feet from the right-of-way line. If head in parking from the street (that is not located within the street right-of-way), the 8 foot setback will be impossible to achieve*

Sheet 18 of the Concept Plan indicates the location of head in parking spaces that will be provided within land bays as surface parking lots. A combination of sidewalk and landscaping will separate the parking spaces from the right-of-way. This treatment will block headlight glare from spilling onto the right-of-way.

- (M) *Off-street parking facilities shall have access from alleys or from streets at locations which do not conflict with pedestrian circulation in the Core. Alleys are not indicated in the Core. The CDP and Illustratives should be revised to address alleys.*

As previously discussed, individual site plans will depict the locations of alleys that will provide access to the interior of each land bay. A note has been added to the Concept Plan to confirm that alleys will be provided.

- (N) *All above grade parking structures shall be designed in a manner that is integrated with nearby building architecture to minimize visual impact. It is noted that no parking structures are indicated on the CDP. Please address the feasibility and design of above ground parking structures. Such parking structures are more desirable than large expanses of surface parking in a Town Center.*

At final build-out, the majority of parking (approximately 80%) will be provided in structures because the only way to achieve the requested intensity of use is to replace interim surface

parking lots with structural parking as the additional office, retail, hotel, civic and residential uses occur.

- (P) Landscaping, buffering and screening are required to screen outdoor storage areas for collection of refuse, loading areas and parking from streets, agricultural and residential uses. With reductions proposed to the yard requirements, there may not be sufficient room to plant materials to provide a sufficient screening.

Individual site plans for development of the land bays will depict the locations of landscaping, buffering and/or screening of outdoor storage areas.

C. CONFORMANCE WITH SECTION 4-300 PD-OP

1. **Modifications:** Modifications have been requested to Section 4-302(A) Size and Location, Section 4-305(B)(1) Yards Adjacent to roads, Section 4-305(B)(2), Section 4-305(B)(3) Adjacent to Other Nonresidential Districts, Section 4-305(B)(4) Yards Between Buildings and are discuss elsewhere in this referral.
2. **Sections 4-303 and 4-304. Permitted and Special Exception Uses.** According to the Table on Sheet 13, approximately 206,900 sq. ft. of retail is proposed in the PD-OP district. The PD-OP district does not list retail as a permitted or special exception use, except in the context of an accessory use located in the same building as the permitted principal uses primarily served and not occupying more than 20% of the floor area of the building. By special exception, uses that are auxiliary to permitted principal uses on a stand-alone basis such as restaurants, drive-through facilities, personal service establishments, banks and financial institutions, and automobile service stations are permitted. However, if such uses are contemplated, the special exception and site plan applications will require evidence that the proposed use(s) is auxiliary to the uses in the district.

The Applicant acknowledges that freestanding retail uses within the PD-OP District may require the approval of a special exception ("SPEX").

3. **Section 4-306(C). Building Requirements. Floor Area Ratio.** If the applicant proposes an FAR of greater than .40 on an individual lot, such increase may be granted by the Board of Supervisors if the criteria in Section 4-306(C) are met. Such criteria includes the inclusion of a plan with evidence of unified control and identifying proposed land uses, their locations, FAR requested for specific land bays and their land area acreages. Such information should be provided. A traffic analysis is also required that will be reviewed by the Office of Transportation Services.

The Applicant acknowledges that should the Property be subdivided in the future, it must be demonstrated that the FAR of any individual lot in the PD-OP District will not exceed 0.40 unless an increase is granted by the Board of Supervisors in accordance with Sect. 4-306C.

4. **Section 4-306(E). Site Planning.** This section requires the use of landscaping,

buffering and screening to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets, agricultural and residential uses. Such screening must be provided if not modified.

As previously discussed, individual site plans for development of the land bays will depict the locations of landscaping, buffering and/or screening of outdoor storage areas.

D. OTHER ISSUES

1. **Section 4-1400, AI Airport Impact Overlay District.** A portion of the entire property is within the Ldn 60 one mile buffer of the AI Overlay District. The CDP indicates residential units within the Ldn 60 one mile buffer, therefore, the applicant shall provide a full disclosure statement. In Note 17 on the Cover Sheet, indicate compliance with Section 4-1400.

Note 17 on the Cover Sheet has been revised accordingly.

2. **Section 4-1500, FOD - Floodplain Overlay District.** The subject site contains major and minor floodplain and is therefore subject to Section 4-1500, FOD-Floodplain Overlay District. Although almost all of the floodplain on the site is considered Major Floodplain, Parcel 042-49-0209 contains a small portion of Minor Floodplain. Please revise plans accordingly.

The Minor Floodplain located on the Property has been labeled accordingly.

3. **Section 5-1000, Scenic Creek Valley Buffer.** Although a 150' buffer is labeled and illustrated on the plans, please relabel to "150' Scenic Creek Valley Buffer."

The 150' Scenic Creek Valley Buffer has been relabeled accordingly.

4. **Section 5-1100, Off-Street Parking and Loading Requirements.** Parking shall be provided in accordance with this Section at the time of site plan or subdivision record plat. The Parking Tabulation table on Sheet 14 is based on 1,335 dwellings units; however 1,376 dwelling units are proposed.

The parking tabulation provided on Sheet 14 has been revised to base the parking requirement on 1,376 dwelling units.

5. **Section 5-1200, Sign Regulations.** Sign requirements for the PD-TC and PD-OP districts are provided in Sections 5-1204.

N/A

6. **Section 5-1300, Tree Planting and Replacement.** Final site plans and construction plans for the site shall demonstrate tree planting and replacement in accordance with this Section of the Ordinance.

N/A

7. **Section 5-1400, Buffering and Screening.** Buffer yards and parking lot landscaping shall be provided in accordance with this Section.

N/A

8. **Section 6-1508, Contents of an approved Concept Development Plan.**

- (A) **Nonresidential Densities.** The non-residential square footages represented in tabular form on the CDP tabulation sheet (sheet 13) represents the maximum floor area by land bay. Also, the additional regulations of Section 5-600 should be referenced as applicable. For example, state that the hotel use is subject to Section 5-611.

A Note has been added to the tabulation on Sheet 13 of the Concept Plan that reflects the Zoning Ordinance requirement for hotels.

- (E) **Perimeter Treatment.** Demonstrate the design and arrangement of the perimeter areas on the CDP.

Sheets 17-21 depict the proposed streetscape elements that will be provided in the perimeter areas of each block.

- (F) **Modification.** List all modifications on Sheet 14 of the CDP.

All of the requested Zoning Ordinance, FSM and LSDO modifications are provided on Sheet 14 of the Concept Plan.

12. **Article 7.** On the CDP, provide a calculation for the required number of affordable dwelling units (ADUs). Although this information is included in the proffers, it must also be included on the CDP.

The ADU calculation has been provided on Sheet 14 of the Concept Plan.

IV. **ZONING MAP AMENDMENT PLAT**

Cover Sheet

- A. Note 6. Revise note to state that the signage and lighting locations will be “in conformance” with the ordinance regulations, not in “substantial conformance” as is currently stated.

This Note has been revised accordingly.

- B. Note 9. Please revise. The site contains areas of moderately steep and very steep slopes.

This Note has been revised accordingly.

- C. Note 17. Specify that the site is located within the Ldn 60 one-mile buffer of the Airport Impact Overlay District and state the requirements the applicant must meet for properties

within the AI overlay district.

This Note has been revised accordingly.

D. Note 20. What is the meaning of this note?

This Note has been deleted.

E. Note that there is an open space easement on this property. Indicate the boundaries of this open space easement on the CDP

The existing open space easement that is coincident with the boundaries of the major floodplain easement has been identified on the Concept Plan.

Sheet 13

F. There should be an indication that the numbers in these table are minimum or maximums.

These gross floor area figures are to be considered maximums.

G. The upper table indicates an overall FAR of 1.34 in the PD-TC district, whereas Footnote (2) indicates an overall FAR of 1.2 for the PD-TC district. Please clarify.

The FAR of 1.34 is representative of the FAR without credit for the right-of-way that will be provided by the Applicant. With the application of density credit for the dedication of right-of-way, the FAR of the PD-TC will be a maximum of 1.2.

H. Why is the column under landbay size adding up to 120%?

The table on Sheet 13 has been revised so that the size totals 100%.

I. In PD-OP table, please be advised that retail is not a permitted principal use in PD-OP.

The Applicant acknowledges this fact, and proposes retail as an accessory use or will apply for a SPEX to permit freestanding retail uses within the PD-OP District.

J. The total retail proposed is indicated at 464,900 sq. ft. in the table, yet in Proffer I.B.1 retail is identified as a maximum of 464,000 sq. ft. Please review and amend either the table or the proffer for consistency.

The proffers have been revised to reflect a maximum gross floor area of 464,900 square feet of retail uses.

K. Include required 10% civic use [(Section 4-808(H)) in table.

The proposed civic use areas are provided on Sheets 32 and 33 of the Concept Plan.

Sheet 14

- L. Check modification to Section 5-1413(C)(2) for consistency with modification requests. This modification request on Sheet 14 states that the landscaping strip will be 6 feet wide whereas the modification request on Sheet 14 is 8 feet wide. Further, the request on Sheet 14 states that trees will be planted on 50' centers, while the modification request in the proffers does not address street trees. Please review Sheet 14 and modification #T in the proffers and revise as necessary.

Sheet 14 of the Concept Plan has been revised to reflect the Applicant's requested modification of Sect. 5-1413(C)(2) from 10 feet to 8 feet.

Sheet 15

- M. Show minor floodplain.

The minor floodplain has been included on Sheet 15 of the Concept Plan.

Sheets 17 and 18

- N. Revise typical road sections. Section 4-808(K) requires a minimum of sidewalk width of 8 feet in the core and 5 feet in the fringe.

As previous stated, the streetscape sections shown on Sheets 17 and 19 include pedestrian areas that meet or exceed eight (8) feet in the PD-TC Core and five (5) feet within the PD-TC Fringe. The streetscape sections have been revised on the Concept Plan to clarify these widths.

Sheet 19

- O. It is noted that the width of Pacific Blvd. buffer varies. Is this tied to the modification requested? If so, note.

The "Typical Pacific Boulevard Buffer Plan" is reflective of the landscape treatment along Pacific Boulevard that is subject to the Applicants' requested modification of Sect. 5-1406(E)(2).

Sheet 23

- P. If the tree save area can change, why show it at all?

The tree save area does permit minor clearing for installation of utilities, trails, etc. Otherwise, clearing is prohibited. The boundaries of the tree save areas will not change.

Sheets 24 and 25

- Q. As previously stated, Very steep slopes cannot be impacted.

The Applicant has requested a modification to permit the minor encroachments shown on the Concept Plan.

Sheet 26

R. Show Pacific Blvd. impacts of FOD and the area between Pacific Blvd. and the cloverleaf.

As previously stated, a Note has been added to this area to depict the location of the existing major floodplain and to clarify the Applicant's intent to reserve the right to locate, without a ZCPA or proffer amendment, PD-OP uses in this area if the floodplain elevation changes as a result of the construction of the Pacific Boulevard/Gloucester Parkway interchange by VDOT.

Sheet 27, 29

S. FOD cannot be impacted.

The only encroachments into the FOD will be the road crossways for Roads 7 and 11, and a small portion of the stormwater management facility/water feature if exempt as part of a VDOT project. Notes have been added to clarify the nature of these impacts.

Sheet 30

T. What is the area surrounding the BMP? It is shaped like an amphitheater. Is it?

As previously stated, this area is not an amphitheater. The lines that suggest an amphitheater have been deleted.

U. This BMP affects the FOD and is only permitted if providing stormwater management for the development.

A note has been added to the Concept Plan to clarify that if this BMP is not exempt as part of a VDOT project, the portion shown in the FOD will not be constructed.

V. Modification of the full block perimeter to 2,200 linear feet may need to be increased. It appears as though the blocks in Landbays M4, E1 and L may be greater than 2,200 feet.

The maximum perimeter of blocks will not exceed 2100 feet as requested by the Applicant in Modification P.

W. What are the buildings in Land Bay A? This is proposed to be a residential land bay. Are they multi-family residences as permitted in the PD-TC?

All residential buildings will consist entirely of multi-family dwelling units.

Sheets 32 and 33

X. Show the civic space percentage from these sheets in the table on Sheet 13.

The civic space calculation is provided on Sheet 14 and the possible areas of civic space are indicated on Sheets 32 and 33. The Applicant also has proffered to meet the minimum civic space requirements.

V. **SECTION 6-1504, MODIFICATIONS**

A modification of the zoning ordinance shall be granted only when such modification is found to achieve an innovative design, improve upon the existing regulation, or otherwise exceed the purpose of the existing regulation. The applicant proposes several modifications to the Ordinance, for which zoning staff offers the following evaluation:

- A. **Section 4-305(B)(2), (3), & (4).** These modifications propose the following:
- (B)(2) In PD-OP reduce the 100' yard to any residential district or land bays allowing residential uses to 10' and to reduce the parking yard requirement to a residential area from 50' to 0'.
 - (B)(3) In PD-OP reduce yard for buildings, parking, outdoor storage, and loading areas adjacent to other nonresidential district from 15' to 0'.
 - (B)(4) In PD-OP reduce building separation minimum from 30 feet to 0'.

Staff Comment: If it is the intent to also modify the requirement that driveways, parking and covered entrances may be no closer than 5 feet to a lot line, the modification request should be amended. The PD-OP district was not intended to be a mixed use district with compact development and small or not yards. Small or no yards may be appropriate for a Town Center, but not for the surrounding PD-OP district. The maximum size of the PD-TC district is 60 acres and town center districts should be developed at that scale. This development is attempting to increase the size of the town center through modifications to the PD-OP district. The town center concept of mixed use should not be permitted to increase in size by modifying a surrounding district.

This modification is necessary to interpret the Class A, keynote employment office with uses the amenities planned for the Village Center. The combination of PD-OP and PD-TC Districts is proposed because it is necessary to attract the keynote employment uses the Revised General Plan seeks.

- C. **Section 4-306(B). Building Requirements. Building Height.** Modify to allow PD-OP component to be developed with maximum building heights of 175 feet and minimum yards as permitted by other modifications.

Staff Comment: The request is to allow the maximum height to be tripled any where within the PD-OP district. Staff requests that the applicant identify specific locations for the higher structures. Please note that for each foot above 35 feet, this section requires the building to be set back an additional two feet, unless also modified. Staff cannot support an increase in height limit to that extreme throughout the proposed PD-OP district without additional information, including more specific information as to locations where the height limits will be increased.

As suggested by Community Planning, the Applicant has designated an "Office Park District" and a "Village District." This prominent site is precisely where taller keynote office buildings will have high visibility and should be located. The requested

modification will permit the Applicant to construct buildings envisioned for keynote employment areas. Further, the Applicant believes that the proposed streetscape concepts will provide attractive pedestrian zones with a positive relationship with the taller buildings.

- C. **Section 4-802. Size, Location and Components.** Modify to allow PD-TC component to be developed with a 66.75 acre maximum. Modify to reduce the PD-TC component of Kincora to be located 3,500 feet from the recently approved One Loudoun Town Center [ZMAP 2005-0008].

Staff Comment: Staff cannot support reducing the separation between town centers by two-thirds. The applicant has not demonstrated how the existing regulation can be improved by this modification. The purpose of the separation requirement is to create separate identities for each town center. Allowing two such centers within such close proximity to each other has the potential to weaken each center such that either may not achieve its full potential and use percentages at each phase.

With this application, the purpose of this section is achieved because of the physical barriers that separate Kincora from One Loudoun (Broad Run) and Dulles Town Center (Route 28). Also, the innovative design of Kincora's keynote office along the Route 28 frontage with a village of retail, civic and residential amenities between the office and Broad Run - distinguishes Kincora from other town center proposals.

- D. **Section 4-805(D)(1), (2), (3), (E)(2), (E)(3), (F)(1), (F)(3).** Modify to allow the following:

- (D)(1)** In the Town Center Core, increase the maximum front yard from 25 feet to 50 feet.
- (D)(2)** In the Town Center Core, reduce the minimum side yard when abutting a lot used or planned for residential purposes from 15 feet to 0 feet.
- (D)(3)** In the Town Center Core, reduce the minimum rear yard when abutting a lot used or planned for residential purposes from 30 feet to 0 feet.
- (E)(2)** In the Town Center Fringe, reduce the minimum side yard when abutting a lot used or planned for residential purposes from 15 feet to 0 feet.
- (E)(3)** In the Town Center Fringe, reduce the minimum rear yard of a non-residential use abutting a lot used or planned for residential purposes from 30 feet to 0 feet.
- (F)(1)** In the PD-TC, reduce the yards from any arterial or major collector road from 100 feet to 25 feet.
- (F)(3)** In the PD-TC, reduce the minimum yard requirement for buildings, parking, outdoor storage, and loading areas from 35 feet to 0 feet.

Staff Comment: The purpose of the PD-TC lot requirements are to attain a development with buildings in close proximity to the street. Staff does not believe that increasing the maximum front yard by 25 feet improves upon the existing regulations that were developed to create a streetscape. Staff can support the proposed reductions in yard requirements if sufficient emergency access is

maintained to the structures. Staff cannot support a 90 foot reduction in the 100-foot yard requirement adjacent to arterial or major collectors without more information. A 25 foot reduction can be support with sufficient attenuation to improve upon the existing regulation. The applicant is requesting to modify this section to permit buildings, parking, outdoor storage ad/or loading area with zero (0) feet minimum separation when sited adjacent to other nonresidential district. The applicant should note that this section also prohibits parking, outdoor storage, areas for collection of refuse or loading space to be located in areas between buildings and streets where such uses are visible from any road. If the applicant intends to also request a modification to this portion of the Section 4-805(F), it should also be referenced.

The modification of (F)(1) should be revised to request 25 feet instead of 10 feet. These modifications are similar to ones approved for other town center and transit-oriented projects. Sufficient emergency access shall be maintained to all structures. [No other modifications to Section 4-805 are being requested at this time.] Streetscape elements including landscaping, lighting, seating and other amenities will be provided within the front yards of all blocks to provide sufficient setbacks creating attractive pedestrian zones.

- E. **Section 4-806(B). Building Requirements. Building Height.** Modify to allow building heights of 175 feet and minimum yards as permitted by other modifications.

Staff Comment: The request is to allow the maximum height to be tripled any where within the PD-TC district. Staff requests that the applicant identify specific locations for the higher structures. Please note that for each foot above 35 feet, this section requires the building to be set back an additional two feet, unless also modified. Staff cannot support an increase in height limit to that extreme throughout the proposed PD-TC district without additional information, including more specific information as to locations where the height limits will be increased.

Again, the maximum building heights will be increased to permit the Applicant to provide taller buildings as envisioned in keynote employment areas as recommended by the Revised General Plan. Streetscape elements will be provided to provide sufficient separation between these taller buildings and the right-of-way. The Applicant believes that this treatment accomplishes the keynote employment goal of the Revised General Plan while creating a pedestrian friendly environment.

- F. **Section 4-807(B), (C).** These modifications propose the following:
1. Modify the maximum distance from one boundary of the Town Center Core to the farthest boundary from 1,200 feet to 1,660 feet.
 2. Modify the maximum distance from one boundary of the entire Town Center to the farthest boundary from 2,500 feet to 3,490 feet.

Staff Comment: The distance indicated on the CDP from one boundary of the Town Center Core to the farthest boundary, scales at approximately 2,200 feet.

Please verify distance and modify request as necessary. [The modification request is to go to 2250]. Further, it is noted that the applicant has requested a modification of 3,490 *square feet*. If it is the intent to modify to 3,490 *linear feet*, please revise modification request. [This has been corrected in the modification request]. The walkability of the district becomes less viable and the district becomes less compact with the increase in distance from one end to the other. If the district was not configured so awkwardly, i.e. with the pockets of PD-TC extending out into the proposed PD-OP zoned land, the Town Center would be more compact and functional and the need for a modification would be less.

The PD-TC District boundaries are driven by the effort to concentrate the keynote employment office uses along Route 28 as recommended in the Revised General Plan. Ample pedestrian linkages and plazas will facilitate access throughout the Village Center.

- G. **Section 4-808(B). Land Use Arrangement and Use Limitations.** Modify to increase the perimeter of a full block from a range of 1,400-1,600 feet to a maximum of 2,100 feet as measured at the property (right-of-way) line.

Staff Comment: Increasing the maximum distance of a block has the potential to reduce the walkability of the center.

The Concept Plan depicts a pedestrian network that will provide adequate sidewalk connections surrounding every block so that people can easily traverse Kincora by foot. The Applicant believes that the proposed mix of uses will allow office workers easy access to services and amenities without having to use their automobiles. The maximum 2100 foot perimeter block size will not deter people from traversing Kincora by foot or bicycle.

- H. **Section 4-808(L). Land Use Arrangement and Use Limitations.** Modify to allow surface parking lots that are 8 feet from the right-of-way line.

Staff Comment: Allowing surface parking lots within close proximity to the right-of-way takes away from the streetscape. The district regulations were developed to provide a streetscape framed with buildings – not parking areas. If areas are to be permitted in proximity to the streets, they should be sufficiently screened.

This request is necessary because the parking areas adjacent to the internal private streets will be subject to this requirement. The Applicant is showing an illustrative detail on Sheet 18 of the Concept Plan which identifies the sidewalk and landscape treatment adjacent to parking areas.

- I. **Section 5-1406(E)(2). Determination of Buffer Yard Requirements. Special Situations.** Modify to allow the strip of land between Pacific Boulevard and Route 28 to allow the same number of trees as required, but to distribute them unevenly in an area that is not 20-feet wide.

Staff Comment: Unless modified, a Type 3 buffer with 4 foot berm is required per Section 5-1406(E)(2). The effect of this modification is to require the same number of trees and shrubs as required in a Type 3 buffer, but to distribute them unevenly in an area less than 20 feet wide. The ordinance currently allows landscaping materials in buffers to be grouped. Please provide more information, such as area where modification is proposed and what uses are proposed in the vicinity of the modified buffer.

This is a narrow strip with significant topographic constraints in several places. There are no uses in the immediate vicinity as the strip will have Route 28 on one side and a 4-lane divided Pacific Boulevard on the other.

- J. **Section 5-1413(A)(2). Parking Lot Landscaping and Screening Requirements. General.** Modify to allow no barrier between non-residential parking lots, travelways, alleys, loading spaces and the like and land zoned or planned for residential use.

The owner proposes streetscape plantings throughout the community. Street trees will be placed to provide maximum canopy. Where on-street parking is present, street trees will be provided a maximum distance of 44' on center. Where there is no on-street parking present, street trees will be provided at a maximum distance of 40' on center. The minimum spacing criteria will be provided within the limits of building frontage. Building frontage is deemed as the perpendicular extension of the building envelop to the curb. Interruptions in the minimum spacing criteria may be necessary due to garage access, service entrances and bus stops.

Staff Comment: A barrier should be provided between non-residential parking lots and residential uses. Without such barrier, the impacts of parking lots are not softened and character is lost.

Some form of physical barrier will be provided between non-residential parking lots and residential uses.

- K. **Section 5-1413 (C)(2)(a) and (e). Parking Lot Landscaping and Screening Requirements. Peripheral Parking Lot Landscaping.** Modify to allow an 8' strip to be either landscaped with a continuous hedge or streetscaped with benches, planter boxes and other site amenities.

Staff Comment: The justification for this modification assumes that Modification Q to Section 4-808(L) will be approved which requests that the setback from the right of way be 8 feet. Staff prefers taller landscaping, such as trees that are at a better scale with tall structures, rather than hedges or benches, planter boxes, etc.

Some taller trees will be integrated into the landscaping provided in these areas.

- L. **Section 5-1414(A). Buffer Yard and Screening Matrix.** Modify to (1) require no yards or plantings between proposed residential uses and office/retail uses within the property and (2) provide required yards for PD-TC uses on adjacent

PD-OP property within the project.

Staff Comment: Is the modification requested specifically for yards between residential uses and office/retail uses or between residential uses and commercial uses?

The Applicant has requested this to permit a modification of the planting requirement where residential uses of the PD-TC District will abut non-residential uses of the PD-OP District.

- M. **Section 5-1414(A). Buffer Yard and Screening Matrix.** Modify to allow properties that are adjacent to the floodplain and floodplain buffer areas to eliminate the need to place a buffer in the floodplain.

Staff Comment: This modification is acceptable to staff.

- N. **Section 4-1505(A)(4). Floodplain Overlay District, Permitted Uses.** Modify to allow a stormwater management facility, located within Land Bays L and O, installed by VDOT, to be used as a permanent wet pond that will serve the dual purpose of a stormwater management facility and an attractive amenity.

Staff Comment: The stormwater management facility is only feasible if it is to be constructed by VDOT and is necessary for the construction of Pacific Boulevard, as VDOT is not required to meet county regulations. Section 6-1504 Modifications states "No modifications shall be permitted which affect uses, density, or floor area ratio of the district." As the proposed modification affects a use, a modification can not be granted. The proposed stormwater management facility may only be permitted in association with uses permitted by right or special exception in the FOD and no others.

This modification request has been withdrawn. A note has been added to confirm that if the SWM facility is not exempt as part of a VDOT project, the portion shown in the FOD will not be constructed by the Applicant.

- O. **Section 5-1505(A)(5). Floodplain Overlay District, Permitted Uses.** Modify to allow private roads 7 and 11 to be partially located within the 100-year floodplain.

Staff Comment: The correct ordinance section to request a modification to is Section 4-1505(A)(12) not 4-1505(A)(5).

With the notes confirming those floodplain crossings for Roads 7 and 11 are permitted, this modification request can be withdrawn.

- P. **Section 5-1508(D)(1)(b). Steep Slope Standards, Permitted Uses and Activities.** Modify to allow certain land disturbing activities of Very Steep Slopes to construct Pacific Boulevard and associated stormwater management facilities, as well as certain roads, buildings and structures as shown on the Concept Plan. The owner will be impacting certain very steep slopes that are

either isolated slopes or existing drainage conveyance systems for surface runoff from nearby roads.

Staff Comment: The ordinance permits only a limited number of uses within areas of Very Steep Slopes. Staff cannot support disturbance of Very Steep Slopes when other alternatives for roadway alignments exist and Section 5-1508(D)(1)(c) does not include uses proposed in the illustrative sheets of the CDP.

The Applicant has revised its design to remove several encroachments on Very Steep Slopes, and specifically to eliminate encroachments on those Very Steep Slopes adjacent to Broad Run. The remaining encroachments to Very Steep Slope areas affect primarily swales that currently provide drainage from the east or slopes that are isolated. The proposed SWM/BMP facilities will provide water quality benefits that will exceed the public purpose intended by the limits on encroachments into Very Steep Slope areas.

LSDO and FSM MODIFICATION REQUESTS

As Zoning Administration does not administer either the Land Subdivision and Development Ordinance (LSDO) or the Facilities Standards Manual (FSM), staff cannot comment on the five proposed modifications to the FSM (Section 4.310(C), 4.310(G), Section 4.330(B)(2), Section 4.330(B)(3), Section 5.220(F)] and the 1 modification requested to the LSDO [Section 1245.01(2)]. Note that modifications to these documents are not reviewed legislatively unless specifically required to do so. The Engineering Division and Land Development Divisions of the Department of Building and Development review such modification requests at the time of site plan or subdivision review.

VI. PROFFERS

Staff will provide additional comments regarding the proffers under separate cover.